

803 KAR 2:425. Toxic and hazardous substances.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.1101-1926.1153

STATUTORY AUTHORITY: KRS 338.051, 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman of the board to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes the general standards enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions. (1) "Act" means KRS Chapter 338.

(2) "Assistant secretary" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(3) "C.F.R." means Code of Federal Regulations.

(4) "Director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Labor Cabinet.

(5) "Employee" is defined in KRS 338.015(2).

(6) "Established federal standard" is defined by KRS 338.015(10).

(7) "National Consensus Standard" is defined by KRS 338.015(9).

(8) "Secretary of Labor" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(9) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

(10) "U.S. Department of Labor" means Kentucky Labor Cabinet 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, or U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, the construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration:

(1) 29 C.F.R. 1926.1101 through 1926.1153; and

(2) The amendments to 29 C.F.R. 1926 Subpart Z as published in the May 14, 2019 Federal Register, Volume 84, Number 93. (20 Ky.R. 2751; eff. 5-11-1994; Am. 21 Ky.R. 121; eff. 9-12-1994; 2278; eff. 4-20-1995; 23 Ky.R. 3950; eff. 7-17-1997; 33 Ky.R. 3067; 3378; eff. 6-1-2007; TAm eff. 9-8-2011; 43 Ky.R. 1683; 1954; eff. 6-2-2017; 44 Ky.R. 337; eff. 11-3-2017; 46 Ky.R. 2722; 47 Ky.R. 64; eff. 9-29-2020.)